

BOARD OF SELECTMEN  
MINUTES  
MAY 7, 2012

Pursuant to notice duly filed with the Town Clerk, a meeting of the Board of Selectmen was held at 7PM in the Selectmen's Room.

Present were Carmin C. Reiss, Chair; Jeffrey Wieand, Clerk; Stanly E. Black, Steven Ng, and Elise F. Woodward,. Also present was Christopher Whelan, Town Manager.

Ms. Woodward called the Meeting to order and announced that it was being recorded. She expressed the Town's gratitude to Gregory Howes for his service on the Board and welcomed Steven Ng, who took office at the conclusion of Town Meeting.

### BOARD REORGANIZATION

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

**VOTED:** to elect Carmin C. Reiss as Chair.

**VOTED:** to elect Jeffrey S. Wieand as Clerk.

### CONSENT AGENDA

- Town Accountant's Warrants
- Minutes: March 26, 29, April 2, 2012
- Silent Fund Camperships in the amount of \$9,500
- One Day Special License: Wine and Malt Beverages License to the Concord Orchestra for POPS Concerts on May 18 and 19 from 8 PM – 11 PM and May 20 from 2 PM – 5 PM at 51 Walden; Concord Country Club Ladies Invitational Tournament July 19 & 20 from 1 PM – 8 PM at 246 ORNAC
- One Day Special License: Wine Beverages Only: Concord Chamber of Commerce Art Walk at Emerson Umbrella, 40 Stow Street May 19 from 4 PM – 6 PM
- One Day Special License: All Alcoholic Beverages License for Emerson Umbrella fundraiser May 12, 6:30 PM – 10:30 PM at 40 Stow St.; Concord Country Club Men's Dawson Invitational Tournament August 3 & 4 from 1 PM – 8 PM at 246 ORNAC; Concord Museum Annual Golf Tournament June 18, 2012 at Concord Country Club from noon – 8 PM; Concord Museum Gala at 200 Lexington Road on June 1 from 7 PM – 11 PM
- One Day Special License: Malt Beverages License for Concord Country Club Golf Tournaments on May 18, June 2, 3, 14, 23 & 24, July 12, August 9 & 23, September 7, 8 & 9, and October 5 from 1 PM – 8 PM at 246 ORNAC
- Sunday Entertainment License: The Concord Orchestra POPS Concert May 20 from 2 PM – 5 PM at 51 Walden; Friends of the Performing Arts performance of La Bohème, June 10 from 2 PM – 5 PM at 51 Walden; Concord Country Club golf outings on June 3 & 24, August 19 & 26, and September 9 from 1 PM – 8 PM

Upon a motion duly made and seconded, the Board UNANIMOUSLY

**VOTED:** to approve the Consent Agenda as read.

### ONE DAY SPECIAL LICENSE

Mr. Roger Hartley was present seeking approval of a Wine and Malt Beverages License for a fashion show at 51 Walden on June 2 from 6:30 PM – 10:30 PM. The event is open to the public. The Rotary Club of Littleton intends use the proceeds from the event to support the Healing Garden and Dress for Success Boston. The packet was complete.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

**VOTED:** to grant a Wine and Malt Beverage License for the Rotary Club of Littleton Apple Blossom Celebrity Benefit at 51 Walden from 6:30 PM – 10:30 PM on June 2. The alcoholic beverages must be consumed on the premises.

### DISCUSS ONE DAY LICENSE PROCEDURES

In response to earlier questions about the Board's One Day Licensing procedures, the Town Manager reported that thorough procedures to identify applicants, sources of alcohol, training of bartenders and contact information were developed to ensure the safety of the community at a time when this information was not required by the State. Given new requirements developed by ABCC, perhaps the procedures are a relic of the past. There is nothing in ABCC regulations that requires

Call to Order

Board Reorg

Consent  
Agenda

One Day

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the appearance of applicants before the Board. Concord does not require applicants to appear before the Board once they have a history of implementing licenses safely and without incident. Granting a One Day License does not require a posted hearing.

Ms. Lauer stated that new and repeat applicants complete and/or deliver completed applications to the Town Manager's Office. They receive a copy of the Town's regulations regarding alcohol service. Copies of approved licenses are sent to the Police Alcohol Safety Officer. In her opinion, working with applicants to compile required information and answering questions about protocols for insurance, bartender training, and planning regarding underage guests is more helpful in creating a safe event than time spent in appearing before the Board.

Discussion included: appearing before the Board is unnecessary if the packet is complete; there is no harm in requiring an appearance of an applicant as it confirms that the Town takes these matters seriously; appearances before the Board are an opportunity for the applicant to publicize events that are usually for a charitable purpose; the One Day License is not a hearing for public comment; there would be nothing lost if the requirement to appear before the Board was dispensed with.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

**VOTED:** to make an appearance before the Board to seek approval for a One Day License an optional opportunity. All other current components of the application will continue in operation.

#### **TOWN MANAGER'S REPORT**

1. The Town Manager expressed sympathy to the families of former Selectmen and longtime volunteer Elliott Wilbur and former Public Works and Elections employee Rocky Griffin who passed away recently.
2. The Town Clerk has submitted Town Meeting-approved bylaws and amendments to the Attorney General who will have 90 days to approve or deny. In response to questions from residents interested in rescinding the vote on Article 32, that must be done by a vote of a future Town Meeting and cannot be accomplished by a town-wide ballot vote.
3. The Board of Assessors has completed review of 155 property tax abatement applications. 117 property owners have been granted partial abatements, totaling tax reductions of \$183,232. The funds come from the Overlay Account.
4. The CCHS School Building Committee has deferred scheduled appearances before Town boards until June.
5. The Public Hearing on the Parking Management Plan will be May 9, 4:30 -- 7:00 PM at the Town House. The study will address parking inventory, assets and restrictions in the three commercial centers and playing fields/ponds. All are invited to attend and/or to respond to the parking survey online. Preliminary findings will be reported in the fall.
6. 890 residents participated in a very successful Drop-Off Swap-Off Day at the Public Works Yard on Keyes Road.
7. The Historic Districts Commission has approved safety improvements to the Main and Thoreau streets intersection. Pedestrian and traffic activated signal improvements that are ADA compliant will be made.

#### **TOUR GUIDE LICENSE**

Jayne Gordon who teaches the Concord Guide course for Adult and Community Education was present to seek approval for the 17 individuals who passed the 6 week Concord Guide course that included multiple field experiences as well as an exam. Those present received licenses and the congratulations of the Board.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

Town Manager's Report

Tour Guide

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**VOTED:** to approve NEW Concord Tour guides: Gabriel L. Arnold, Concord; Ms. Robin Balin, Concord; Kimberly Connors-Hughes, Concord; Maureen Costello Belt, Concord; Beverly Gauthier, Concord; Dick Gauthier, Concord; Robert Gerzon, Concord; Enid Karr, Concord; Christien Lekorenos, Concord; Kristi Lynn Martin, Concord; Dan J. Meenan, Waltham; Susan Myers, Concord; Susan M. Nash, Concord; George Quintal Jr., Gardiner; Jenny Rankin, Concord; Marian Stanley, Concord

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

**VOTED:** to approve renewed 2012-13 Tour Guide Licenses as per the memo dated May 4, 2012.

**TOWN MEETING FOLLOW-UP**

**Regarding Article 35 solar power strategy and landfill CR**, there is no regulatory follow-up required. The Town will engage a consultant to design a utility-scale solar generation system on the former landfill. Two options will be requested: a design that limits generation to a five-acre portion of the parcel and a design that maximizes the use of the site for solar. The Town Manager will negotiate a lease that will be subject to terms and conditions approved by the Board. It will likely take 3--9 months to complete the request for proposals, advertise, and receive responses. The proposals should give not only the positioning and configuration of solar panels, but also a purchase power agreement that vendors will offer to install the array and sell electricity to the town at a certain cost per kilowatt hour.

Discussion included: in response to a question regarding a similar exercise on the WR Grace property, the Town Manager stated that the processes could not be combined because of the time needed to consummate that purchase; there are questions of frontage and subdivision that must be resolved by WR Grace before the acquisition can be finalized; the Town will comment on the Senate energy bill with the 5% PILOT requirement for solar; MMA has proposed an amendment to that section of the energy bill; solar installations on the landfill will support the solar strategies of the Light Board; the timeframe that will be required for the proposal to be received and evaluated will allow time to undertake conversations with the public regarding conservation and municipal uses of the site that should be taken into account regardless of whether there is a conservation restriction on the site; no decision on solar arrays needs to be made independent of that conversation; whether Walden Woods Project can accept on site composting remains an issue.

**Regarding Article 47**, the Local Option Local Income Tax Committee has notified the Board that it will draft Home Rule legislation within the month for the Board to forward to the Rep. Atkins to file. It was noted that there have been references in the press that incorrectly identify Representative Atkins as the originator of the Local Income Tax initiative.

**Regarding Article 48**, it was the consensus of the Board to inform the Congressional delegation of the positive Town Meeting vote on the Resolution that calls on Congress to initiate action to amend the US Constitution to reverse the Supreme Court decision re Citizens United.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

**VOTED:** to authorize the Chair to sign and transmit a letter to the Congressional delegation re the People's Rights Resolution that passed with a substantial majority at Town Meeting.

**Regarding Articles 44, 45, and 46**, there was discussion regarding the value of expanding the scope of work of the contracted Dog Officer. Mr. Whelan stated that there were issues of compensation, training, and equipping that would need to be addressed. The costs proposed in the Warrant Article were unrealistic. At this time, residents with wildlife problems contact Public Safety and Natural Resources before being directed to private contractors. Mr. Whelan agreed to speak with his colleagues in neighboring towns about regionalizing animal control.

**Annual Town Meeting Article 36 and Special Town Meeting Article 2** deal with land acquisition.

TM Follow-up

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The Town Manager reported that he will be negotiating a purchase and sale agreement for the Laws Brook Rd. parcel, probably as soon as July 1 for closing by July 15. Upon the closing, the Town will engage in a plan for the reuse of the property. In the meantime, the house is occupied and the Board prefers that it stay occupied. The WR Grace acquisition is much more complex and he envisioned that the timeline for acquisition could be as much as a year.

It was the consensus of the Board that it have a conversation with the Moderator on his general observations on 2012 Town Meeting and a number of procedural issues. In particular, the Motions to Reconsider need attention before the next Town Meeting.

#### **REVIEW BOARD OF SELECTMEN PROGRESS ON GOALS**

BOS Goals

The Board reviewed a memo updating progress being made on the Board's annual goals. The Town Manager and Ms. Woodward provided examples of Board and Departmental activities in support of the goals. Discussion included: progress was noted on most goals except identifying core versus non-core services; valuable reports were received from committees and departments; it was the Board consensus that the format of the report was helpful. Additional examples of goal related actions were noted: 1) BFRT design has resulted in moving up in TIP cycle. A Town response to the call for public comment should be finalized before Mr. Ng attends the HATS Meeting. 2) The institution of a Cultural District not only preserves our historic heritage, but also promotes it. A new goal should be formulated to reflect this. New goal setting will occur in June after which the Town Manager and department goals will be developed.

#### **DISCUSS LONG TERM CONCORD/HATS GOALS**

HATS

Ms. Woodward stated that the purpose of the item is to ensure that the Board is in agreement regarding HATS matters so that she can speak confidently as the Concord representative when HATS talks about common goals and interests. Ms. Woodward discussed a memo summarizing the HATS organization and historic background as well as a description of the Hanscom Field Advisory Commission. In January 2012, the Board approved a memorandum of understanding with the four HATS towns to enable HATS to function as a Local Redevelopment Authority (LRA) should there be a BRAC. The HATS Selectmen and Town Managers from the four towns will have meetings in May and June to pre-plan, well in advance of knowing whether the LRA would be needed, what the LRA would do and how it would be organized. There is interest in determining each of the four towns' planning goals concerning Hanscom. Given the turnover in personnel from the four towns, it would be helpful to HATS to have in place a common framework to measure direction and impacts of decisions.

The Board reviewed proposed goals for HATS that are generally consistent with correspondence to the Congressional delegation encouraging them to identify spokespersons for the viability of Hanscom should there be a BRAC. The proposed goals include: 1) support for general aviation but not cargo or commercial air service out of Hanscom; 2) support for aviation activity compatible with the Minuteman National Historical Park; 3) support for maintaining Hanscom development at its 2010 level until the MassPort Masterplan is updated; 4) support for environmental sustainability of the region; 5) support for locally-based zoning decisions in matters not directly related to aviation.

Discussion included: goal #1, opposing commercial air service at Hanscom while supporting general aviation creates a contradiction in terms as charter flights (unscheduled commercial flights) are commercial. It would be better to oppose scheduled commercial flights. HATS does not want airlines or cargo flights to operate out of Hanscom, especially at night.

Regarding goal #3, the development goal should not be restricted to aviation-related matters. If the field is shut down there could be massive changes including tourism destination, malls, and housing that would generate enormous amounts of traffic along 2A. Development at current level refers to plans by MassPort to develop new, larger hangars, which is opposed by HATS primarily because MassPort has not been proactive about its long range planning and thus has provided no planning framework. There are federal, state, local, military, and municipal interests at Hanscom with limited conversation at HATS about the specific interests of the many stakeholders. This has resulted in lack of clarity, mistrust, and speculation.

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Goal #5 would probably require legislation to implement. MassPort was said to have identified the air and space museum as the development agency for that parcel without any public vetting of the transfer of the land or the lease for development and disagrees with idea that the proposed museum should be subject to Lincoln zoning and conservation requirements. There are several such parcels under MassPort or Air Force control that may in the future be considered surplus and given to other entities for development. There is a lack of clarity about how the purpose of such land that came from the four towns will be changed. An additional goal might be that the four area towns should be given the right of first refusal for development on any land within their borders if the land will be changed from its original use as US Air Force base.

There was consensus that the goals would benefit from being couched in more positive terms that reference what the towns aim to support, preserve and promote. Foremost of these goals is the continued use of the site as an active US Air Force Base that adds to the economic vitality of the region. Ms. Woodward agreed to update the goals to reflect discussion and to make them part of the HATS discussion on common goals relating to Hanscom.

Mr. Wieand mentioned that he had an opportunity to engage in conversation with the Airport Director and to remind her of Concord's interest in solar generation on the site, which still requires some investigation on her part. Ms. Reiss noted that the Tucson airport runway is lined with a substantial number of solar panels.

#### **REVIEW PROPOSED AMENDMENT TO REGIONAL HOUSING AGREEMENT**

Mr. Whelan stated that the amendment would include the town of Acton in the consortium and would provide the Town an opportunity to address some of perceived weaknesses in the original agreement including questions of indemnification. One issue is that all the towns indemnify Sudbury but it doesn't state how the indemnity would work – jointly or severally. This could be accomplished by changing the language in paragraph 6 to be each municipality instead of municipalities. Participants in the consortium must be contiguous towns. Acton is the last town to be accepted with the current staffing framework. However, the background information included the information that both Lincoln and Lexington are considering withdrawal which would endanger the participation of Framingham. Withdrawal requires advance notice. Mr. Whelan will send the proposed changes to Sudbury for circulation to the other towns.

Upon a Motion duly made and Seconded the Board UNANIMOUSLY

**VOTED:** to approve amendments to the Regional Housing Intermunicipal agreement to add the town of Acton, to make the changes to section 6 as discussed, and to authorize the Board to sign the revised agreement.

#### **REVIEW COMMITTEE LIAISON ASSIGNMENTS**

The Board was asked to complete the form regarding Liaison interests and to send it to Ruth Lau-er. Ms. Reiss will finalize the assignments and circulate for comment for the next meeting.

#### **COMMITTEE LIAISON REPORTS**

Mr. Black noted that the Historical Commission has been notified of an award for the work on the Thoreau Birth House.

Ms. Reiss stated that she would like the Board to review APP #10 before completing her committee assignments. It was noted that several committee volunteers have indicated an interest in more and longer terms. Other components that should be reviewed are removal from service, leave of absence from service, Chairship, and immediate family members on the same committee. Mr. Wieand noted some suggested amendments.

#### **MISCELLANEOUS/CORRESPONDENCE**

1. Mr. Black noted that of the 114 fire calls from Concord Park in 2012, only one was a fire, 69 were EMS related, and the rest were "other." Mr. Black noted a proposal in the State House Budget that CPA be funded at a guaranteed 50% level. This is a doubling of CPA funds. The money will come from sources other than the Registry.

Housing  
agreement

Liaison As-  
signments

Liaison Re-  
ports

Misc./Corresp.

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2. There was a discussion regarding whether subcommittee chairs should be included in monthly Chair Breakfast which concluded that subcommittee matters would be reported by the Chair of the "parent" committee. The Committee Chair could delegate to the subcommittee chair, but both would not attend.
3. Mr. Black noted that Coleman Hoyt will represent the Planning Board on HATS.
4. Ms. Reiss noted the letters that she has been charged to draft on a number of topics – Senate Energy Bill, TIPS, and State Budget to support prison mitigation funding, CPA funding, Chapter 70, and Chapter 90.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

- VOTED:** to authorize the Chair to draft and transmit correspondence as discussed after consulting with the Town Manager to ensure all Concord-sensitive matters are included.

5. While there was discussion at Town Meeting of dropping participation in CPA, this was considered in 2011 with overwhelming support to continue. It was the consensus of the Board to take no action at this time. In addition, the Board noted the need to reinforce with the CPC Committee the desirability of supporting municipal projects before those of non-profits. That Committee will make a presentation to the Board shortly.

**COMMITTEE APPOINTMENTS/REAPPOINTMENTS**

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

- VOTED:** to reappoint Frank Okurowski of 140 Paul Revere Rd. to the Cable Television Advisory Committee for a term to expire 5/31/14; Demi Ayres of 137 Fairhaven Rd. to the Tax Relief Committee for a term to expire 5/31/15; David Broadwin of 240 Ministerial Dr. to fill an unexpired term on the Zoning Board of Appeals ending 5/31/14; David Fisher of 430 Cambridge Turnpike to the Zoning Board of Appeals for a term to expire 5/31/15.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

- VOTED:** to appoint Thomas Doe of 109 Baker Ave. to the Trustees of Town Donations for a term to expire 5/31/15; John Cratsley of 221 Nashawtuc Road to the Planning Board for a term to expire 5/31/17; Christopher Sgarzi of 33 Maple St. to the Community Preservation Committee as the Planning Board Representative for a term to expire 5/31/14.

**ADJOURNMENT**

On a motion duly made and seconded, it was:

- VOTED:** To adjourn the Open Session and to conclude business for the evening.

Stanly E. Black	Aye
Steven Ng	Aye
Carmin C. Reiss	Aye
Jeffrey S. Wieand	Aye
Elise F. Woodward	Aye

The meeting adjourned at 8:50 p.m.

Respectfully submitted,

Jeffrey S. Wieand, Clerk

Appt./Re-appt.

Adjourn